



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, January 9, 2013

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Philip M. Goldstein, Ward 7

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

SCHEDULED APPEARANCES:

20121195 Scheduled Appearance - Patti Pearlberg

Patti Pearlberg to speak regarding traffic and problems in the Church Cherokee district.

20121196 Scheduled Appearance - Jeff Gehlbach

Jeff Gehlbach, resident on Cherokee, to speak and present a power point presentation regarding issues at Church Cherokee district.

20121306 Scheduled Appearance - William Harvin

William Harvin speaking to Council about Code of Ordinances, Chapter 9-8 - Parades and Demonstrations and how it relates to picketing.

UNSCHEDULED APPEARANCES:**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:*** 20130015 Regular Meeting - December 12, 2012**

Review and approval of the December 12, 2012 regular meeting minutes.

MAYOR'S APPOINTMENTS:*** 20130024 Municipal Judge**

Reappointment of Roger J. Rozen as the Marietta Municipal Chief Judge.

*** 20130053 Municipal Associate Judges**

Reappointment of the following Municipal Associate Judges:

Lawrence E. Burke
Phyllis Gingrey Collins
Mazi Mazloom
John Storey Morgan
Robert F. Schnatmeir
Melinda Taylor
Nathan Wade
Steve Yaklin

MAYOR'S APPOINTMENTS WITH THE CONSENT OF COUNCIL:*** 20130026 Mayor Pro tem**

Appointment of G. A. (Andy) Morris as Mayor Pro tem for a term of one year expiring on January 8, 2014.

* **20130027 Presiding Officer**

Appointment of Annette Lewis as Presiding Officer for a term of one year expiring on January 8, 2014.

* **20130028 Economic/Community Development Committee**

Appointment of the Economic/Community Development Committee: Griffin Lee Chalfant, Jr., as Chairman, John V. Sinclair and Rev. Anthony Coleman for a term of one year expiring on January 8, 2014.

* **20130029 Finance/Investments Committee**

Appointment of the Finance/Investments Committee: Annette Paige Lewis as Chairman, James W. King and Philip M. Goldstein for a term of one year expiring on January 8, 2014.

* **20130030 Judicial/Legislative Committee**

Appointment of the Judicial/Legislative Committee: Philip M. Goldstein as Chairman, James W. King and G. A. (Andy) Morris for a term of one year expiring on January 8, 2014.

* **20130031 Parks, Recreation & Tourism Committee**

Appointment of the Parks, Recreation and Tourism Committee: John V. Sinclair as Chairman, Annette Paige Lewis and Rev. Anthony Coleman for a term of one year expiring on January 8, 2014.

* **20130032 Personnel/Insurance Committee**

Appointment of the Personnel/Insurance Committee: G. A. (Andy) Morris as Chairman, Philip M. Goldstein and Griffin Lee Chalfant, Jr. for a term of one year expiring on January 8, 2014.

* **20130033 Public Safety Committee**

Appointment of the Public Safety Committee: Rev. Anthony Coleman as Chairman, G. A. (Andy) Morris and John V. Sinclair for a term of one year expiring on January 8, 2014.

* **20130034 Public Works Committee**

Appointment of the Public Works Committee: James W. King as Chairman, Griffin Lee Chalfant, Jr., and Annette Paige Lewis for a term of one year expiring on January 8, 2014.

* **20130067 Appointment of Vice Chairs to serve on committees for the remainder of 2012**

Appointment of Council Member Grif Chalfant to serve as Vice Chair for the Public Works Committee.

Appointment of Council Member Andy Morris to serve as Vice Chair for the Judicial Legislative Committee.

Appointment of Council Member Annette Lewis to serve as Vice Chair for the Parks, Recreation and Tourism Committee.

Appointment of Council Member Johnny Sinclair to serve as Vice Chair for the Public Safety Committee.

Appointment of Council Member Philip Goldstein to serve as Vice Chair for the Personnel and Insurance Committee.

Appointment of Council Member Anthony Coleman to serve as Vice Chair for the Economic and Community Development Committee.

Appointment of Council Member Jim King to serve as Vice Chair for the Finance and Investments Committee.

* **20130035 BLW Council Representative**

Appointment of Johnny Sinclair the Board of Lights and Water (BLW) representative for a term of one year expiring on January 8, 2014.

* **20130036 Marietta Board of Education Council Liaison**

Appointment of Annette Paige Lewis as the Marietta Board of Education liaison for a one year term expiring on January 8, 2014.

* **20130037 Marietta Housing Authority Council Liaison**

Appointment of Rev. Anthony Coleman as the Marietta Housing Authority liaison for a term of one year expiring on January 8, 2014.

* **20130065 Cobb/Douglas Board of Public Health**

Appointment of Annette Lewis to Cobb/Douglas Board of Public Health, for a one year term expiring 12/31/13.

* **20130025 City Prosecutor**

Appointment of Robert I. Donovan as the City Prosecutor to serve at the pleasure of and upon the concurrence of the Mayor and a majority of City Council.

* **20130054 Associate City Prosecutors**

Reappointment of the following Associate City Prosecutors to serve at the pleasure of and upon the concurrence of the Mayor and a majority of City Council:

Susan M. Miller
Carmen Porreca
Thomas Griner
Jason Treadway
Latonia Patrice Hines

* **20130052 Liaison Appointments**

Consideration of council liaison appointments as designated:

Higher Education (Life, Southern Poly, Chattahoochee) - Griffin L. Chalfant, Jr.

Wellstar/Medical Community - Andy Morris

Lockheed/Military - James W. King

Faith Based Community - Rev. Anthony Coleman

Chamber/Marietta Division - John Sinclair

Student Leadership Councils - Annette Paige Lewis

Green Tech Corridor - James W. King

School Governance Teams (SGT) for Marietta High School - Philip M. Goldstein

Legislative-Steve Tumlin (new liaison if approved)

Fair Oaks Park and adjacent community-John V. Sinclair (new liaison if approved)

CITY COUNCIL APPOINTMENTS:

* **20121284 Marietta Historic Board of Review Appointments**

Reappointment of David Freedman (Ward 2), Carrie Walker (Ward 3), Ray Worden (Ward 4), and Johnny M. Walker (Mayor Appointment) to the Historic Board of Review for a two (2) year term, expiring January 8, 2015.

* **20130070 Marietta Historic Board of Review Appointments**

Reappointment of Terry Lee (Ward 5) to the Historic Board of Review for a one (1) year term, expiring January 8, 2014.

* **20121285 Historic Preservation Commission Appointment**

Appointment of Marion Savic to the Historic Preservation Commission (Ward 3), for a three (3) year term expiring January 9, 2016.

* **20121253 Cobb Municipal Association (CMA) 2013 Delegates**

Appointment of Grif Chalfant and Philip M. Goldstein to the 2013 voting delegates for the Cobb Municipal Association (CMA) business meetings.

* **20130068 Board of Zoning Appeals Appointment**

Appointment of Justice Kay Barber to the Board of Zoning Appeals (Ward 7) for a three year term, expiring January 8, 2016.

* **20130069 Welcome Center Appointment**

Reappointment of Philip M. Goldstein to the Marietta Welcome Center and Visitors Bureau for a two year term expiring on January 8, 2015.

Council Member Andy Morris abstaining

ORDINANCES:

20121182 Z2013-01 VIML, INC 803 & 807 Cobb Parkway North

Z2013-01 [REZONING] VIML, INC requests rezoning for property located in Land Lot 10720, District 16, Parcels 0440 & 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 803 & 807 Cobb Parkway North from R-3 (Single Family Residential - 3 units/acre) and R-2 (Single Family Residential - 2 units/acre) to CRC (Community Retail Commercial). Ward 5.

The Planning Commission recommends approval

Vote: 5 – 0 – 0

Motion: Commissioner Schupp made a motion to recommend to City Council that the application be approved as submitted, seconded by Commissioner Diffley.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

20121183 Z2013-02 SFOG Acquisition Company, LLC 236 Cobb Parkway North

Z2013-02 [REZONING] SFOG ACQUISITION COMPANY, LLC requests rezoning for property located in Land Lot 11660, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 236 Cobb Parkway North from LI (Light Industrial) to RRC (Regional Retail Commercial). Ward 6.

The Planning Commission recommends approval

Vote: 5 – 0 – 0

Motion: Commissioner Waters made a motion to recommend to City Council that the application be approved as submitted, seconded by Commissioner Storey.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

20121184 Z2013-03 Jonathan C. Pascoe 238 Crescent Circle

Z2013-03 [REZONING] JONATHAN C. PASCOE requests rezoning for property located in Land Lot 12310, District 16, Parcel 0290, 2nd Section, Marietta, Cobb County, Georgia and being known as 238 Crescent Circle from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 3.

The Planning Commission voted to TABLE this item. Vote: 5 – 0 – 0

Motion: Commissioner Diffley made a motion to table the item until the next meeting with all cost of advertising charged to the applicant., seconded by Commissioner Storey.

Stipulations: N/A

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:**

- 1. Economic/Community Development: Grif Chalfant, Chairperson**
- 2. Finance/Investment: Annette Lewis, Chairperson**

* **20121283 Donation for Joe Mack Wilson Park**

Approval of an Ordinance amending the Fiscal Year 2013 Parks and Recreation Fund budget to appropriate a donation previously received from the Marietta Kiwanis Club for a marker to be placed at Joe Mack Wilson Park.

* **20121254 National League of Cities (NLC)**

Motion approving travel and training for Mayor and Council members who wish to attend the National League of Cities (NLC) Congressional City Conference in Washington, DC, March 9-13, 2013.

Council member King voting against.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20121239 City of Marietta 2013 General Election**

Ordinance to provide for the establishment of qualifying fees for the office of Mayor and the office of Council for the city of Marietta, Georgia and to provide for the opening and closing dates for filing notice of candidacy by candidates.

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

* **20121279 Farmer's Market Street Closures for 2013**

Motion authorizing street closures for the 2013 calendar year to operate the Marietta Square Farmer's Market as requested by the Downtown Marietta Development Authority as follows:

- Saturday closure of Mill St:
January 5, 2013 to March 30, 2013 From 7 a.m. to 2 p.m.
- Saturday closure of North Park Square:
April 6, 2013 to November 23, 2013 From 7 a.m. to 2 p.m.
- Saturday closure of Mill St:
November 30, 2013 to December 21, 2013 From 7 a.m. to 2 p.m.
- Sunday closure of Mill St:
April 7, 2013 to November 24, 2013 From 12 noon to 5 p.m.

5. Personnel/Insurance: G. A. (Andy) Morris, Chairperson

20121185 Appeal of Pension Board decision

Appeal Hearing of a pension board decision as requested by Gwendolyn Carson.
(Hearing will take place at 8:15 PM)

* **20121250 FY 2013 City/BLW Allocation Chart**

Approval of an Ordinance amending the FY 2013 City/BLW pay and classification plans and position allocation chart in order to change the title of Cyber Intelligence Specialist to Police Cyber Specialist.

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

* **20121271 No Parking Zones at Waterman and Alexander St.**

Motion to install "No Parking Zone" along Alexander Street, within 200 feet of the intersection with Waterman Street and along Waterman Street on the northern property line of 291 Alexander Street.

* **20121273 Fairground Street Improvements C**

Motion to approve concept design on Fairground Street Improvement C and proceed with preliminary engineering.

* **20121275 Off System Safety Project**

Motion to approve a Project Framework Agreement for Off System Safety Project with the Georgia Department of Transportation for pavement markings on sections of Polk Street, Dodd Street, Gresham Road and Powers Ferry Road.

* **20121278 Admin 6 Project - 583 Chickasaw Drive**

Approval of an Ordinance amending the Fiscal Year 2013 General Fund Budget to receive and appropriate \$1887 from Josh Howland for an Administrative Policy No. 6 project at 583 Chickasaw Drive.

* **20121280 R-O-W Sale - 320 and 340 Lockheed Avenue**

Approval of an Ordinance amending the Fiscal Year 2013 budget to receive and appropriate funds from the sale of right-of-way at 320 and 340 Lockheed Avenue to account 110-2031-532-7090 to be used for Gateways/Sidewalks/Beautification of city right-of-way.

* **20121281 Powder Springs Street Multi-Use Trail**

Motion to approve a contract between the Georgia Department of Transportation (GDOT) and the City of Marietta for the construction of the Powder Springs Street Multi-Use Trail.

APPEARANCES:

OTHER BUSINESS:

20121181 V2013-01 [VARIANCE] GEORGE A. HUSSEY, IV requests variances for property located in Land Lot 03600, District 17, Parcel 0240 and being known as 505 South Marietta Parkway.

1. Variance to allow an automotive repair shop operate directly across the street from a single family residential district. §708.16 (B)(7)(c)
2. Variance to reduce the side setback for an accessory structure from 10' to 0.' §708.16 (F)(1)
3. Variance to allow the use of metal siding on the façade of the building facing a roadway. §708.16 (G)(3)
4. Variance to reduce the setback along Grogan Street from 35' to 7.' §708.16 (H)
5. Variance to allow an exterior storage yard along an arterial roadway. §710.07 (A)
6. Variance to allow the open storage of wrecked or nonoperative automobiles. §710.07 (A)(2)
7. Variance to allow the storage of parts or waste materials outside a building. §710.07 (A)(3)
8. Variance to waive all regulations listed under Section 712.09 Commercial Corridor Design Overlay District. §712.09
9. Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08. §712.08

20130071 72 Waverly Way

Motion to authorize the acquisition of property owned by Herbert S. Goldstein on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

Council Goldstein discloses that his father owns property on Waverly Way.

20130072 91 S. Marietta Parkway

Motion to authorize the acquisition of property owned by Philip M. Goldstein on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

Council member Goldstein disclosed that he owns the above property off of Waverly Way.

*** 20130016 BLW Actions of the January 7, 2013**

Review and approval of the January 7, 2013 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:**ADJOURNMENT:**